

BILL ANALYSIS

Senate Research Center
78R9095 QS-D

H.B. 3190
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Business & Commerce
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Engrossed

DIGEST AND PURPOSE

In 2001, the Property Code was amended to require commercial landlords to timely return security deposits. The bill provided for a 60-day deadline for return, but the reference to a 30-day deadline was inadvertently not changed. H.B. 3190 amends the Property Code by changing from a 30-day deadline to a 60 day deadline, the time in which a landlord is required to refund a security deposit or to provide documentation of why the deposit will not be refunded.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 93.005(a), Property Code, to require the landlord to refund the security deposit to the tenant not later than the 60th day after the date the tenant surrenders the premises and provides notice to the landlord or the landlord's agent of the tenant's forwarding address under Section 93.009.

SECTION 2. Amends Section 93.011(d), Property Code, to provide that a landlord who fails to return a security deposit or to provide a written description and itemized list of deductions on or before the 60th, rather than 30th, day after the date the tenant surrenders possession is presumed to have acted in bad faith.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2003.